

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**IN RE COLGATE-PALMOLIVE CO.
ERISA LITIGATION**

MASTER FILE NO. 07-CV-9515 (BSJ)

**THIS DOCUMENT RELATES TO:
All Actions**

Judge Barbara S. Jones

**DEFENDANT'S PARTIAL MOTION TO DISMISS PLAINTIFFS'
CONSOLIDATED CLASS ACTION COMPLAINT**

Pursuant to Fed. R. Civ. P. 12(b)(6), Defendant Colgate-Palmolive Company Employees' Retirement Income Plan (the "Plan" or "Defendant"), by and through its attorneys, respectfully moves to dismiss claims asserted in the Consolidated Class Action Complaint ("Complaint") by Plaintiffs Paul Caufield ("Caufield"), Paul Abelman ("Abelman"), Valerie R. Nutter ("Nutter"), Warren Jemmott ("Jemmott"), Susan Byrd ("Byrd"), and Adriana Vazquez ("Vazquez") (collectively, "Plaintiffs"), for the reasons set forth in the accompanying Memorandum of Law, contemporaneously filed herewith. In support of this Motion, Defendant states the following:

1. The claims of Nutter, Caufield, and Byrd fail as a matter of law because they are time barred.

2. The claims of Abelman, Vazquez, and Jemmott are barred by the release they executed at the time of their departure from Colgate.

3. In support of its Partial Motion to Dismiss Plaintiffs' Consolidated Class Action Complaint, Defendant submits the following exhibits:

Exhibit A. Declaration of Matthew Faranda and Exhibits 1 through 4 in support thereof;

Exhibit B. Excerpts from the Colgate-Palmolive Company, Form 10-K filed with the Securities and Exchange Commission ("SEC") on 2/23/2007;

- Exhibit C. Excerpt from the Plan's Form 5500 filed with the Department of Treasury, Internal Revenue Service, in October 2005;
- Exhibit D. Excerpts from the Colgate-Palmolive Company Employees' Retirement Income Plan, Restated Through December 31, 1994;
- Exhibit E. Excerpts from the Colgate-Palmolive Company Employees' Retirement Income Plan, effective January 1, 2000;
- Exhibit F. 1994 Summary Plan Description for the Colgate-Palmolive Employees' Retirement Income Plan;
- Exhibit G. 2005 Summary Plan Description for Colgate-Palmolive Employees' Retirement Income Plan; and
- Exhibit H. Order on Related Case Issues and Transferring Cases to the Southern District of New York dated March 26, 2008.

WHEREFORE, for the reasons set forth in the accompanying Memorandum of Law in Support of Defendant's Partial Motion to Dismiss Plaintiffs' Consolidated Class Action Complaint, this Court should dismiss the claims in Plaintiffs' Complaint with prejudice, with the exception of claims brought by Plaintiff Pamela Hosie.

Respectfully submitted,

Dated: January 16, 2009

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